

### **REMARKS**

Applicants respectfully request further examination and reconsideration in view of the amendments above and the arguments set forth fully below. Claims 1-27 were previously pending in this application. Within the Office Action, Claims 1-27 have been rejected. By the above amendments, Claims 20 and 27 have been amended. Accordingly, Claims 1-27 are currently pending.

#### **Rejections Under 35 U.S.C. § 102**

Within the Office Action, Claims 1-27 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Pub. No. 2006/0155400 to Loomis (“Loomis”). The Applicants respectfully disagree.

Loomis teaches an Internet based personalized radio, where a user has a pre-selected list of songs to be played in a particular order. [Loomis, Abstract] Loomis also teaches pre-buffering the first ten seconds of each of the next several songs on the list so that, should the user choose to skip to any of the next several songs, the pre-buffered ten seconds of the target song is already available to be played. [Loomis, Abstract] Loomis teaches the apparatus starts to play the pre-buffered part of the target song and starts to download the rest of the song at the same time. However, Loomis does not teach selecting a content item based on a preference. Although, Loomis teaches a pre-selected list of songs, within the Office Action, that is correlated with identifying a preference. Then, within the Office Action, the first song of the playlist being available is cited as teaching the claim language of selecting a content item based on the preference. However, a first song in a playlist being available is not the same as nor is it similar to selecting an item based on the preference. The first song of a playlist being available is merely how playlists are typically played, but there is no relation to selecting a content item based on a preference. Thus, Loomis does not teach selecting a content item based on the preference. Furthermore, Loomis does not teach streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer. Within the Office Action, there is no cited paragraph from Loomis teaching this limitation. Additionally, Loomis never uses the word “sync” or any variation thereof.

In contrast to the teachings of Loomis, the presently claimed invention is directed to methods and apparatuses for streaming content. The content is presented such that a delay time between requesting the content and utilizing the content is minimized. The identity of the user is

detected and a preference is identified corresponding to the user. A content item is then selected based on the preference and an initial portion of the content is pre-fetched and stored in a temporary storage cache. When a request is received for the content item, the initial portion is streamed from the temporary storage cache to a stream synchronizer, producing a resultant stream using the initial portion of the content item and seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item. As described above, Loomis does not teach selecting a content item based on the preference. Loomis also does not teach streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer.

The independent Claim 1 is directed to a method comprising identifying a preference, selecting a content item based on the preference, storing an initial portion of the content item in a temporary storage cache, receiving a request for the content item, streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, producing a resultant stream using the initial portion of the content item and seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item. As described above, Loomis does not teach selecting a content item based on the preference. For at least these reasons, the independent Claim 1 is allowable over the teachings of Loomis.

Claims 2-10 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Loomis. Accordingly, the Claims 2-10 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 11 is directed to a system comprising means for identifying a preference, means for selecting a content item based on the preference, means for storing an initial portion of the content item in a temporary storage cache, means for receiving a request for the content item, means for streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, means for producing a resultant stream using the initial portion of the content item and means for seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item. As described above, Loomis does not teach means for selecting a content item based on the preference. For at least these reasons, the independent Claim 11 is allowable over the teachings of Loomis.

The independent Claim 12 is directed to a method comprising storing an initial portion of a selected content item in a temporary storage cache, streaming the initial portion of the selected

content item from the temporary storage cache to a stream synchronizer, simultaneously loading an entire segment of the selected content item to the stream synchronizer while streaming the initial portion, producing a resultant stream comprising the initial portion of the selected content item and seamlessly transitioning the resultant stream from the initial portion of the content item to the entire segment of the content item. As described above, Loomis does not teach streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer. For at least these reasons, the independent Claim 12 is allowable over the teachings of Loomis.

Claims 13-18 are all dependent upon the independent Claim 12. As discussed above, the independent Claim 12 is allowable over the teachings of Loomis. Accordingly, the Claims 13-18 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 19 is directed to a system comprising means for storing an initial portion of a selected content item in a temporary storage cache, means for streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer, means for simultaneously loading an entire segment of the selected content item to the stream synchronizer while streaming the initial portion, means for producing a resultant stream comprising the initial portion of the selected content item and means for seamlessly transitioning the resultant stream from the initial portion of the content item to the entire segment of the content item. As described above, Loomis does not teach means for streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer. For at least these reasons, the independent Claim 19 is allowable over the teachings of Loomis.

The independent Claim 20 is directed to a system comprising a media server configured for storing an entire segment of content, a client device configured for storing an initial portion of the content wherein the client device is configured to display the content by streaming a resultant stream from the initial portion of the content while simultaneously receiving the entire segment of the content and seamlessly substituting the entire segment of the content for the initial portion using a stream synchronizer. As described above, Loomis does not teach using a stream synchronizer. For at least these reasons, the independent Claim 20 is allowable over the teachings of Loomis.

Claims 21-26 are all dependent upon the independent Claim 20. As discussed above, the independent Claim 20 is allowable over the teachings of Loomis. Accordingly, the Claims 21-26 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 27 is directed to a method comprising identifying a user, identifying a preference, generating a content list using the preference and the user, selecting a content item from the content list based on the preference, wherein the content item is a data file having a defined beginning point and ending point, prefetching an initial portion of the content item, storing the initial portion of the content item in a temporary storage cache, receiving a request for the content item, streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, producing a resultant stream using the initial portion of the content item, and seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item. Loomis does not teach generating a content list using the preference and the user. Also, Loomis does not teach selecting a content item from the content list based on the preference. For at least these reasons, the independent Claim 27 is allowable over the teachings of Loomis.

For the reasons given above, Applicants respectfully submit that all of the pending claims are now in condition for allowance, and allowance at an early date would be greatly appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: August 26, 2009

By: /Jonathan O. Owens/  
Jonathan O. Owens  
Reg. No.: 37,902  
Attorneys for Applicants